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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,625	10/22/2001	Stephen J. Hawkins	56937US002	1418

32692 7590 05/24/2004

3M INNOVATIVE PROPERTIES COMPANY
PO BOX 33427
ST. PAUL, MN 55133-3427

EXAMINER	
ZIRKER, DANIEL R	

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

CP

Office Action Summary	Application No.	Applicant(s)	
	Examiner	Group Art Unit	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☑ Responsive to communication(s) filed on 3/22/04.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) 1-22 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) 1-22 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Babu et al. taken in view of Davison, substantially for reasons of record, together with the following additional observations. Initially the Examiner notes that a several of applicants' arguments involve issues that are not found, either expressly or inherently, in applicants' claims. It is noted that applicants vigorously argue (e.g., Response, page 6, bottom paragraph, page 7, third complete paragraph, and page 8, top paragraph) that Davison teaches the desirability of end block compatible resins and teaches away from resins compatible with the midblock portion. However, the Examiner has searched in vein and has been unable to find any language in applicants' claims which makes any sort of distinction between end block versus midblocks in the elastomer. Additionally, the Examiner respectfully submits that the elastomeric portion of the claimed elastomer is not inherently confined to either the end block and/or the midblock in such known polymers. It is further noted that applicants also fail to at certain points appreciate that a combination rejection has been relied upon, e.g., suggesting (Response, page 7, second complete paragraph) that Davison fails to describe, teach or suggest maleated thermoplastic elastomers,

wherein this particular element is relied upon as being taught in Babu et al. Finally, it is further noted that it is believed that if any portion of an elastomer, be it midblock or end block, has its glass transition temperature raised, the entire polymer would also inherently have its glass transition temperature raised. In summary, applicants have failed to rebut the prima facie case of record.

3. Claims 1-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Babu et al. taken in view of Hansen et al., substantially for reasons previously set forth in paragraph No. 3 of Paper No. 5 and paragraph No. 3 of Paper No. 1016, together with the following additional observations. Initially it is noted that the Examiner has reinstated this rejection, which was previously withdrawn, since, upon reconsideration, it appears that applicants are making arguments such as were set forth in the previous paragraph that are not commensurate in scope with their claims. Foe example, referring to applicants' arguments submitted in their response of December 19, 2003, the Examiner initially notes that Babu et al. is again not relied upon by itself, but only in combination with the secondary reference Hansen (Response, page 6, first complete paragraph). Additionally, applicants' arguments (Response, page 6, bottom paragraph) that "the resins of Hansen are compatible with the

resinous segments of the elastomeric block copolymer, not the elastomeric midblock segments" makes an argument that is neither expressly or inherently found in applicants' claims. The Examiner again notes that, as was previously stated, Babu et al. discloses a genus of primers suitable for improving the adhesion of a pressure sensitive adhesive to a substrate such as a polymer film backing, the primer comprising a triblock composition of styrene-ethylene/butylene-styrene grafted with maleic anhydride mixed with an amorphous polypropylene. The reference lacks the teaching of the presence of a suitable "resin" such as a hydrogenated hydrocarbon resin (applicants' claim 9), but Hansen discloses that end block compatible resins such as an aromatic resin are suitable for use in a closely related primer composition having a functionalized elastomeric block copolymer as one of its components. Accordingly, one of ordinary skill, motivated by an expectation of improved bonding properties in primer compositions having a higher overall glass transition temperature would incorporate the resin of Hansen into the primer compositions of Babu et al. and thereby clearly render obvious the claimed genus of primer compositions and accompanying articles. With respect to the remaining dependent claims, these are again believed to be, if not either expressly or inherently disclosed, obvious modifications to one of ordinary skill, in the

absence of unexpected results.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (571) 272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for this Group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dzirker:cdc

May 20, 2004

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP ~~1300~~ 1700

Daniel Zirker